

S/N 10/644,703

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Louis A. Pena et al.

Examiner: Ian DANG

Serial No.: 10/644,703

Group Art Unit: 1647

Filed: August 19, 2003

Docket No.: 30817-1008

Title: Synthetic Heparin-Binding Factor Analogs

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant has reviewed the Office Action mailed on March 7, 2008. This response is timely filed.

Election/Restrictions

The Examiner has determined that a further restriction is required.

Restriction to one of the following inventions is also required under 35 U.S.C. 121:

- A. A synthetic heparin binding growth factor analogue of SEQ ID NO: 6
- B. A synthetic heparin binding growth factor analogue of SEQ ID NO: 7
- C. A synthetic heparin binding growth factor analogue of SEQ ID NO: 8
- D. A synthetic heparin binding growth factor analogue of SEQ ID NO: 9
- E. A synthetic heparin binding growth factor analogue of SEQ ID NO: 10
- F. A synthetic heparin binding growth factor analogue of SEQ ID NO: 11
- G. A synthetic heparin binding growth factor analogue of SEQ ID NO: 12
- H. A synthetic heparin binding growth factor analogue of SEQ ID NO: 13
- I. A synthetic heparin binding growth factor analogue of SEQ ID NO: 14
- J. A synthetic heparin binding growth factor analogue of SEQ ID NO: 15
- K. A synthetic heparin binding growth factor analogue of SEQ ID NO: 16
- L. A synthetic heparin binding growth factor analogue of SEQ ID NO: 17
- M. A synthetic heparin binding growth factor analogue of SEQ ID NO: 16
- N. A synthetic heparin binding growth factor analogue of SEQ ID NO: 19

O. A synthetic heparin binding growth factor analogue of SEQ ID NO: 20

P. A synthetic heparin binding growth factor analogue of SEQ ID NO: 21

Applicant provisionally elects A. SEQ ID NO. 6. Applicant traverses the requirement.

First, the Examiner issued a restriction requirement in an Office Action dated June 23, 2006. Applicant in response elected group II claims (8-20 and 27-45). The Examiner further requested election of a species of sequence for X, Y, and Z. Applicant responded fully for each election and further elected SEQ ID NO. 6 from SEQ ID NOS 6-21 as the species for the X region to be examined first. Applicant amended claim 8 with a Markush grouping of these same sequences. It is unclear to Applicant why the Examiner is imposing yet another restriction requirement after Applicant made the species election.

The Examiner has ignored the like properties of the sequences to find A-P separate inventions despite the Examiner's previous acknowledgment in the Office Action dated June 23, 2006 that Applicant must elect a species for X of the composition of invention group II.

All of sequences SEQ ID NO 6-21 are Heparin Binding Growth Factors (HBGFs). All have a sequence which binds to its cognate receptor. Further, SEQ ID NO 6-11 are all derived from FGFs. Further still SEQ ID NO: 6, SEQ ID NO: 8, and SEQ ID NO: 10 each span the region between Beta loop-9 and Beta loop-10 of the protein.

Applicant respectfully requests reconsideration of the restriction requirement.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (505-998-6134) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4213.

Respectfully submitted,

/JANEEN VILVEN/

Janeen Vilven, Reg. No. 47,156

Direct line (505) 998-6134

PEACOCK MYERS, P.C.

Attorneys for Applicants

Post Office Box 26927

Albuquerque, New Mexico 87125-6927

Telephone: (505) 998-6134

Facsimile: (505) 243-2542

Customer No.: 005179

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being electronically deposited with the USPTO, on this 7th day of April, 2008.

Janeen Vilven

Name

/Janeen Vilven/

Signature